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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,465	11/08/1999	JUNICHI REKIMOTO	SONY-Q-9320	6689

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EXAMINER
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NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/436,465	Applicant(s) REKIMOTO, JUNICHI	
	Examiner Nhon (Gary) D Nguyen	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 11-14, 23-27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11-14, 23-27 and 29-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*HL*

*RS*

### **DETAILED ACTION**

1. This communication is responsive to amendment, filed 02/24/2005.
2. Claims 1, 11-14, 23-27 and 29-37 are pending in this application. Claims 1, 14 and 26 are independent claims. In this amendment, no claim is canceled, claims 1, 14 and 26 are amended, and claims 29-37 are added. This action is made non-final.

#### ***Claim Rejections - 35 USC § 101***

3. Claims 26, 27 and 35-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In view of Applicant's disclosure, specification page 45, lines 9-15, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., magnetic disks or CD-ROMs) and intangible embodiments (e.g., transmission media). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 30, 33 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites the limitation "said particular group" in line 2. There is insufficient antecedent basis for this limitation in the claim. The same rejection is applied to claims 33 and 36.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 11-14, 23-27, 29, 30, 32, 33, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Hug et al. ("Hug", US 5,806,078).

As per independent claims 1, 14 and 26, Hug teaches a computer implemented method and corresponding system for information processing comprising the steps/means:

storage means for repeatedly storing data in a plurality of different states when said data is created or changed, wherein each of said different stored state of said data comprises time information corresponding to a day and/or time at which said data is stored (col. 1, lines 55-62 and col. 6, lines 28-41);

an application program for use with said data and capable of transmitting said time information to another application program and capable of receiving time information corresponding to a day and/or time from said another application program (col. 4, line 52 – col. 6, line 6; Version Manager and Spreadsheet Software transmit time information between each other);

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day and time setting means for setting a day and/or time in said application program based on said time information received from said another application program (col. 15, lines 63-64); and

control means for locating data from said stored plurality of different sets of said data at about said set day and/or time and for reproducing said data corresponding to said set day and time (fig. 9; col. 9, lines 36-45);

wherein the storage means stores the application program (col. 4, lines 23-51), and said control means reproduces the state of the application program corresponding to the set day and/or time (change between Read-Write or Read-Only states of fig. 9 and col. 4, line 52 – col. 6, line 6).

wherein said application program and said another application program each independently include said time information, and wherein said application program and said another application program are each independently capable of transmitting and receiving said time information (column 4, line 52 – column 6, line 6).

As per claims 11 and 23, Hug teaches the day and time setting means sets the day and/or time closest to said received time information (col. 15, lines 63-64).

As per claims 12 and 24, Hug teaches the application program contains a file management program for managing files (Version Manager Processor 36 of fig. 2).

As per claims 13 and 25, Hug teaches wherein said application program contains a position and time information management program for managing input position information and the time information corresponding to the position information (col. 10, lines 32-64; the system compares between the two versions, with different time, and displays positions of data which has changed).

As per claim 27, Hug teaches the storing step repeatedly stores a file in a plurality of given different states each time when said file is created or changed (col. 6, lines 28-41), wherein each of said different stored state of said data comprises time information corresponding to a day and time at which said file is stored (col. 6, lines 31-34), said day and time setting step sets the day and time according to a past or future screen (col. 15, lines 63-64), said locating step locates a file stored at said set day and time (fig. 9; col. 9, lines 36-45), and said control step reproduces said given state of said file corresponding to said set day and time along with said corresponding past or future screen (col. 9, lines 36-45).

As per claims 29, 32 and 35, Hug teaches the application program is capable of multicasting said time information to said another application program belonging to a particular group (column 4, line 52 – column 6, line 6; multiple check-in and checkout processes to transmit and receive time information).

As per claims 30, 33 and 36, Hug teaches the particular group is an application started by a same user (e.g. col. 4, lines 36-51).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 31, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hug.

As per claims 31, 34 and 37, Hug does not disclose the application program operates on a different computer than said another application program. Examiner takes Official Notice that application program operates on different computers and exchanges data using computer network or Internet would have been obvious to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement application program on different computers in Hug's system since it would have taken advantage of computer networking to have application programs to run from different locations.

***Response to Arguments***

10. Applicant's arguments filed 02/24/2005 have been fully considered but they are not persuasive.

Applicant argued that Hug fails to disclose where the application program and the another application program each independently include the time information and where the

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application program and the another application program are each independently capable of transmitting and receiving the time information.

Examiner disagrees for the following reasons. According to Hug's column 4, line 52 – column 6, line 6, Spreadsheet Processor (run by Spreadsheet Software) and Version Manager Processor (run by Version Manager software) are independently include the time information. When a new version (caused by the modification in the spreadsheet) is checked in into the system, Spreadsheet Processor would transmit the update time information to the Version Manager for receiving and storing into the library. When a version is checked out from the library, Version Manager would transmit the version data along with time information to Spreadsheet Processor for receiving and displaying on the display. Therefore, Hug clearly teaches the application program and the another application program each independently include the time information and the application program and the another application program are each independently capable of transmitting and receiving the time information.

### ***Inquiries***

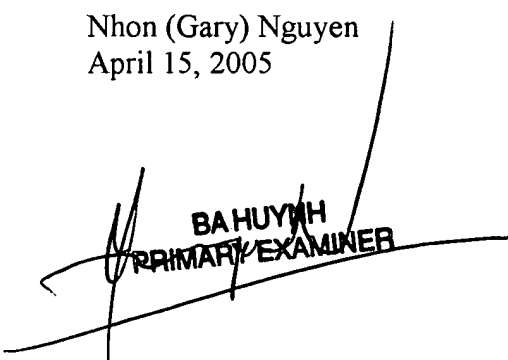
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen  
April 15, 2005

  
BA HUYNH  
PRIMARY EXAMINER